

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

JIMMIE C GARDNER
Plaintiff,

v.

Civil Action No. 2:17-cv-03934
Honorable John T. Copenhaver, Jr.

KANAWHA COUNTY, WEST VIRGINIA,
KANAWHA COUNTY COMMISSION,
KANAWHA COUNTY PROSECUTING,
ATTORNEY, in his official capacity,
WILLIAM C. FORBES, REAGAN E.
WHITMYER, JOHN J. FRAIL,
CHARLESTON POLICE DEPARTMENT
Defendants.

DISMISSAL ORDER

NOW COMES the Plaintiff, by counsel, and comes the Defendant, the Charleston Police Department, by counsel, and hereby represent to the Court that all matters in controversy between and among these parties have been fully settled and compromised and the parties jointly move the Court to dismiss Defendant, Charleston Police Department, from this matter with prejudice.

It appearing to the Court proper so to do, it is **ORDERED** that the Charleston Police Department is hereby, **DISMISSED, with prejudice**, from the above-styled action and the parties shall bear their own attorney's fees and costs incurred in the action.

ENTER: This ____ day of _____, 2019.

Honorable John T. Copenhaver, Jr., Judge

Prepared by:

/s/ Karen Tracy McElhinny
Karen Tracy McElhinny, Esquire (WVSB #7517)
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Agreed to by:

/s/ Robert P. Dunlap, II

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